

Form COD

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bankruptcy Case No.: 23-21203-GLT
Chapter: 13

**Clarence Avery
aka Clarence Avery III**

Debtor(s)

**ORDER DIRECTING FURTHER ACTION IN RESPONSE TO CHAPTER 13
TRUSTEE'S CERTIFICATE OF DEFAULT REQUESTING DISMISSAL**

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and is in material default under the plan,

IT IS HEREBY ORDERED that, on or before **twenty-one (21) days from the date of this Order**, Debtor(s) must file (1) *Documentary Proof of Payment* according to the accompanying *Instructions*, (2) a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes (a) an explanation of Debtor(s)' failure to comply with the current plan payment and/or (b) a statement setting forth why the Debtor(s) disputes the *Certificate of Default*.

IT IS FURTHER ORDERED that to the extent the Debtor(s) does not contest that the Debtor(s) is in default of the current plan, the Debtor(s) shall file **one** of the following within twenty-one (21) days of the date of this Order to avoid dismissal of the instant bankruptcy case:

A. a *Notice of Proposal to Cure Plan Defaults* in a form that substantially complies with the form available on Judge Taddonio's 'Forms' webpage (and which can be directly accessed at <https://www.pawb.uscourts.gov/sites/default/files/forms/GLT-form-ch13-4.pdf>). Said Notice shall include a date and time for the Conciliation Conference on the proposed cure selected from a date listed on the Trustee's Website, which date shall be no less than 30 and no more than 60 days after the date of the Notice;

OR

B. a *Notice of Proposed Modification to Plan* (in a form which substantially complies with the form found on Judge Taddonio's 'Forms' webpage and can be directly accessed at <https://www.pawb.uscourts.gov/sites/default/files/forms/GLT-form-ch13-5.pdf>) and an *Amended Plan*. (in accordance with the provisions of the *Chapter 13 Initial Case Management Order*) to the extent the Debtor(s) assert they can confirm and perform an *Amended Plan* to remain in Chapter 13. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) defaults on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing;

OR

C. a *Stipulated Order Modifying Plan* in a form that substantially complies with the form available on Judge Taddonio's 'Forms' webpage (and which can be directly access at <https://www.pawb.uscourts.gov/sites/default/files/forms/GLT-form-ch13-3.pdf>), and filed in accordance with the procedures as set forth in the *Chapter 13 Initial Case Management Order* regarding Stipulated Orders Modifying Plans.

Provided the Debtor(s) files a *Notice of Proposal to Cure Plan Defaults* or a *Notice of Proposed Modification to Plan* and *Amended Plan* the matter will follow the Court's standard conciliation/confirmation process as set forth in the *Chapter 13 Initial Case Management Order*.

Dated: March 20, 2024

Gregory L Taddonio
United States Bankruptcy Judge

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment. The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689

In re:
Clarence Avery
Debtor

Case No. 23-21203-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Mar 20, 2024

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 15

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 22, 2024:

Recip ID	Recipient Name and Address
db	+ Clarence Avery, 1245 Island Avenue, Pittsburgh, PA 15212-2844
15606573	+ KML Law, 701 Market St #5000, Philadelphia, PA 19106-1541

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ebnpeoples@grblaw.com	Mar 21 2024 00:14:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219, UNITED STATES 15219-1753
cr	+ Email/Text: ebnpwsa@grblaw.com	Mar 21 2024 00:14:00	Pittsburgh Water and Sewer Authority, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219, UNITED STATES 15219-1753
15606571	+ Email/Text: bankruptcy@rentacenter.com	Mar 21 2024 00:15:00	AcceptanceNOW, Attn: Bankruptcy, 5501 Headquarters Drive, Plano, TX 75024-5837
15606572	+ Email/Text: convergent@ebn.phinsolutions.com	Mar 21 2024 00:15:00	Convergent Outsourcing, Inc., Attn: Bankruptcy, 800 Sw 39th St, Ste 100, Renton, WA 98057-4927
15606575	Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 21 2024 00:32:16	Macys/fdsb, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15625238	+ Email/Text: jdryer@bernsteinlaw.com	Mar 21 2024 00:14:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 601 Grant Street, 9th Floor, Pittsburgh, PA 15219-4430
15606574	+ Email/Text: PBNCNotifications@peritussservices.com	Mar 21 2024 00:14:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15606576	+ Email/Text: bankruptcydpt@mcmcg.com	Mar 21 2024 00:15:00	Midland Funding, LLC, Attn: Bankruptcy, Po Box 939069, San Diego, CA 92193-9069
15606577	+ Email/PDF: ebnotices@pnmac.com	Mar 21 2024 00:32:14	PennyMac Loan Services, LLC, Attn: Correspondence Unit, Po Box 514387, Los Angeles, CA 90051-4387
15622191	+ Email/PDF: ebnotices@pnmac.com	Mar 21 2024 00:32:48	PennyMac Loan Services, LLC., P.O. Box 2410, Moorpark, CA 93020-2410
15617510	+ Email/Text: ebnpeoples@grblaw.com	Mar 21 2024 00:14:00	Peoples Gas, c/o GRB, 525 William Penn Pl Suite 3110, Pittsburgh, PA 15219-1753
15615247	+ Email/Text: ebnpeoples@grblaw.com	Mar 21 2024 00:14:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219-1753
15620129	+ Email/Text: ebnpwsa@grblaw.com	Mar 21 2024 00:14:00	Pittsburgh Water and Sewer Authority, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219-1753

District/off: 0315-2

User: auto

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Date Rcvd: Mar 20, 2024

Form ID: pdf900

Total Noticed: 15

TOTAL: 13

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PENNYMAC LOAN SERVICES, LLC
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 601 Grant Street, 9th Floor, Pittsburgh, PA 15219-4430
15617503	*+	AcceptanceNOW, Attn: Bankruptcy, 5501 Headquarters Drive, Plano, TX 75024-5837
15617504	*+	Convergent Outsourcing, Inc., Attn: Bankruptcy, 800 Sw 39th St, Ste 100, Renton, WA 98057-4927
15617507	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2239, address filed with court; Macys/fdsb, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15617505	*+	KML Law, 701 Market St #5000, Philadelphia, PA 19106-1541
15617506	*+	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15617508	*+	Midland Funding, LLC, Attn: Bankruptcy, Po Box 939069, San Diego, CA 92193-9069
15617509	*+	PennyMac Loan Services, LLC, Attn: Correspondence Unit, Po Box 514387, Los Angeles, CA 90051-4387

TOTAL: 1 Undeliverable, 8 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 22, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 20, 2024 at the address(es) listed below:

Name	Email Address
Denise Carlon	on behalf of Creditor PENNYMAC LOAN SERVICES LLC dcarlon@kmlawgroup.com
Jeffrey Hunt	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com
Jeffrey R. Hunt	on behalf of Creditor Pittsburgh Water and Sewer Authority jhunt@grblaw.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com btemple@bernsteinlaw.com;aepiscopo@bernsteinlaw.com;kebeck@ecf.courtdrive.com
Lawrence W. Willis	on behalf of Debtor Clarence Avery ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedwpa.com

TOTAL: 7